

# Exhibit D



ROCKEFELLER CENTER  
1270 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020  
T 212.307.5500 F 212.307.5598 www.Venable.com

February 6, 2023

Kristen Ruisi

T 212.503.0559

F 212.307.5598

KSRuisi@Venable.com

**VIA E-MAIL TO:**

Four Sigma Foods, Inc.  
1450 2nd St, Suite 210  
Santa Monica, CA 90401  
[support@foursigmatic.com](mailto:support@foursigmatic.com)

**Cease and Desist re: Unauthorized Use of THINK COFFEE Trademark**

Dear Sir or Madam:

We are the attorneys for Think Coffee LLC (“Think Coffee”), the owner and exclusive user of the THINK COFFEE Trademark. Think Coffee and its subsidiaries own and operate eleven brick-and-mortar coffee shop locations, and Think Coffee also maintains an extensive web presence, including through online sales of its coffee blends on a single purchase or subscription basis on its website. See <https://thinkcoffee.com/>.

Think Coffee has been using the THINK COFFEE Trademark in connection with its goods and services since at least as early as March 2006. Think Coffee owns U.S. federal trademark registrations for the THINK COFFEE Trademark, specifically Registration No. 3262911, registered on July 10, 2007, and Registration No. 3856559, registered on October 5, 2010. Think Coffee also owns rights to the THINK COFFEE Trademark application currently pending before the United States Patent and Trademark Office as Serial No. 97424201. Additionally, Think Coffee owns international trademark registrations for the THINK COFFEE Trademark in Japan, Singapore, and the Republic of Korea.

It has come to our attention that your company Four Sigma Foods, Inc. is using the words “THINK COFFEE” in connection with the sale of its coffee blend “Think Ground Coffee with Lion’s Mane & Chaga Mushrooms.” The words THINK and Coffee appear prominently on the packaging for your product, and on numerous pages of your website at [www.us.foursigmatic.com](http://www.us.foursigmatic.com) (the “Website”). Examples of your unlawful and unauthorized use are included in **Exhibit 1**.

Think Coffee has not authorized the use of the THINK COFFEE Trademark in this manner, and thus regards your actions as an attempt to unlawfully associate yourself with the THINK COFFEE Trademark for your own commercial gain.

Consumers are likely to be confused as to your affiliation with the THINK COFFEE Trademark and incorrectly assume that you are authorized by Think Coffee when you are not. You have no authorization to sell products or services on behalf of Think Coffee, and no affiliation with Think Coffee. As a result, Think Coffee demands that you cease all infringing use of the word “Think” in connection with the sale of coffee and coffee-related products and respond to this letter



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in writing **within five (5) days of receiving this letter**. Specifically, Think Coffee demands that you:

1. Remove all unauthorized uses of the word “Think” from your Website and social media accounts; and
2. Cease all marketing, promotion, and advertising (including on your packaging) using the word “Think” in connection with the sale of coffee and coffee-related products.

This letter is without prejudice to any rights Think Coffee may have, each of which is expressly reserved. We look forward to your response and cooperation and are available to discuss should you need any clarification.

Sincerely,

/s/Kristen Ruisi  
Kristen Ruisi



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# **EXHIBIT 1**



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The screenshot displays the Four Sigmatic website interface. The top navigation bar includes the company logo, 'SHOP', 'LEARN', a search icon, a flag icon, an 'ACCOUNT' link, and a 'CART' icon. A 'LIMITED TIME OFFER' banner states, 'Level up your wellness with one of our best-selling bundles.' Below this, three product bundles are featured, each with a '20% OFF' badge:

- Think Ground Coffee:** 2 bags of Think Ground Coffee. Original price \$40, sale price \$32. A red circle highlights the product name and price, with a red arrow pointing to it from the left.
- 10-Do Crusher:** 1 Think Ground, 1 Focus Blend, 1 Think Creamer. Original price \$70, sale price \$56. A red circle highlights the product name and price, with a red arrow pointing to it from the bottom.
- Coffee Routine:** 4 bags of Think Ground Coffee + 1 FREE Think Creamer. Original price \$80, sale price \$64. A red circle highlights the product name and price, with a red arrow pointing to it from the right.

Below the bundles, a 'JOIN 500,000 OTHER "SHROOMERS"' section offers 'Get 10% off your first order' with an email input field and a 'SIGN UP' button. A red arrow points from this section to the 'SHOP BY BENEFIT' link in the footer, which is circled in red. The footer also includes a 'FOUR SIGMATIC' logo, '10 YEARS OF EVERYDAY MAGIC', and various links under 'LEARN', 'SUPPORT', 'INQUIRIES', 'CONNECT', and 'LOCATION'. A disclaimer and 'Accessibility Tool' link are at the bottom.

VENABLE LLP

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